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PUBLISHED IN THE WICHITA EAGLE ON JULY 18, 2003

ORDINANCE NO. 45-768

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF PRESERVING THE RUNWAY APPROACH PROTECTION ZONE FOR COLONEL JAMES JABARA AIRPORT IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of protecting the Runway Approach Protection zone for Colonel James Jabara in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

The South half of the Southwest quarter of Section 21, Township 26 South, Range 2 East of the 6th P.M.; the Northwest quarter of Section 28, Township 26 South, Range 2 East of 6th P.M. except that portion taken in Condemnation Case 92 C 491; and a tract of land in the Southeast quarter of Section 21, Township 26 South, Range 2 East of the 6th P.M. described as beginning at the Southwest corner of said quarter section thence Northerly at an angle of N 01 degrees 51' 15" W 1,169.58 feet thence Easterly at an angle of S 83 degrees 57' 12" a distance of 751.77 feet thence Southerly at an angle of S 06 degrees, 02' 48" W a distance of 1,085.71 feet thence Westerly at an angle of S 89 degrees 01' 39" a distance of 595.46 feet to the point of beginning.

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County,

Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from mixture of General Obligation Bonds paid with airport revenue and FAA funds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 15th day of, July, 2003.

CITY OF WICHITA

Carlos Mayans, Mayor

ATTEST:

Pat Graves, City Clerk

APPROVED AS TO FORM:

Gary E. Rebenstorf, Director of Law